

DISABILITY CLAIMS SOLUTIONS CLIENT NEWSLETTER FIELD INTERROGATIONS-SPECIAL

April, 2008
Volume 1, Issue 14



Disability Claims Solutions, 60 Hicks Rd, West Newfield, ME 04095
<http://www.disabilityclaimssolutions.com> lindanee@metrocast.net

(207) 793-4593 Fax (207) 793-2006

Interrogate vs. Interview

By Linda Nee, BA, HIA, DIA, DHP, ACAP

Every time I refer to a field representative visit as an “interrogation” claims handlers jump out of their skin. I guess my choice of words comes from having read a few thousand field representative reports over the last 15 years. The reports read like interrogations, not interviews and well-deserve the name.

The American Heritage Dictionary defines interrogate as “examine by questioning formally or officially.” An interview, on the other hand, is defined as “a conversation in which facts or statements are elicited from another.” Whichever term you choose when referring to insurance field visits, “it isn’t good.”

The person being “interviewed” is referred to as “the source” and the purpose of the meeting is to develop rapport with the insured so that he/she feels comfortable divulging important information about the circumstances of a disability claim.

Disability insurers want to “get a look at you” up-close and personal. From the insurance company’s perspective, surveillance is an uncontrolled environment. The investigative team can only observe you on your own terms since the act itself is covert and secret. While the insurance company may be able to obtain information they can use against you as a result of surveillance, open-ended, or overt activity can be the death march to any disability claim.

Field “interviews” are anything but mere conversations. Conducted by investigators skilled in interrogation techniques, unprepared claimants often damage their claims by simply phrasing an answer incorrectly. The Reid Technique requires the investigator to watch the body language of the insured to detect deceit even though this technique has been found to be unreliable across ethnic lines.

Insurance field investigations are actually studies in human nature. Most of us are more likely to talk to people who appear to be like us. Once we start talking, it's hard for us to stop. Once we start telling the truth, it's harder to start lying. Disabled persons have an innate need to “convince” the insurance company they have a credible claim, and therefore can find themselves engaged in an endless narrative about jobs, family, and, of course, the disability claim.

An insurance representative is well aware of the pitfalls of human nature and uses it to his/her advantage.

Field investigators are paid between \$900-\$1,200 for each interview. Interviews can be planned, or unannounced. If a field rep shows up without a scheduled meeting, you should tell him/her you are unprepared for an interview at that time and that the insurer needs to contact you at least 30 days in advance to plan the visit. Field visits are often scheduled in the last half of the month so that the claim still has time to be denied by month-end. Never allow an insurance representative to take your picture since surveillance can be conducted simultaneously with an actual visit.

Insureds tend to like and trust people who are like themselves, so the field rep may claim to share some of the source’s interests or beliefs. If the insured starts talking to the field rep about harmless things, it becomes harder to stop talking (or start lying) later when the discussion turns to his/her disability claim.

Beware of statements put to you with which you are expected to agree. For example, “I see here that although your job involved traveling, you actually believe you can do a sedentary job. Right?” Wrong. These types of questions put insureds into a “yes” mode causing them to continue to say “yes” without thinking what the question really means.

Insurance field “interviews” are also used to make assessments of truth and deception through human recall. For example, there is no way a claimant could verbally describe their treatment history the same way when asked on several occasions. Any attempt to consistently say the same thing each time is impossible, but the insurance company will use the inconsistent responses to say the insured was untruthful.

I hope DCS readers are beginning to get the idea that a request for a field “interrogation” is much more than just the disability insurer’s way of having a personal conversation with you to “clarify your claim.” There are many, many types of interrogation techniques, and field representatives are generally trained in most of them.

Requests for field interviews should be “yellow flags” of caution to claimants. Disability insurers are not beyond using human nature to “trip up” insureds when not feeling their best and fearful of the future. We sincerely hope this issue will be of value to everyone with a claim.

The Big Sell – Over-The-Top

An insurance field visit actually begins when the claims handler calls the insured to request the scheduling of a visit. Does this sound familiar?

“Mrs. Jones, we’d like to send out our field representative to meet with you. We want to make this process easier for you and need to clarify a few things pertaining to your claim.”

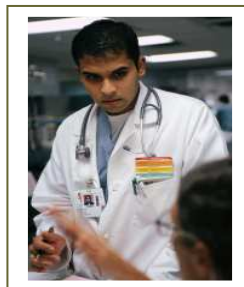
Technically, an insured is only required to give a field interview if the contract policy requires it. Like the contract wording for an IME, disability policies can say “...require you to meet with a field representative.” In the absence of such policy language, if the insured allows the interview, it’s strictly voluntary. Therefore, the insured is NOT required to give a field interview as “Proof of Claim” if the policy language isn’t there.

Knowing this, the disability insurer may not inform the claimant their policy does NOT contain the necessary contract provision. Representatives will say anything they can to get insureds to “buy-into” the visit and the process.

Further, companies such as Unum have recently been playing the “discretionary provision” card by telling insureds they have to do the field interviews because “You must provide proof acceptable to us.” Phooey! Field interrogations are internal “risk management” tools and have nothing to do with gathering “Proof of Claim.” In other words, the purpose of the interview is not to solicit proof of claim although claims representatives may tell you that it is.

Claims representatives will also tell you, “This interview is to your advantage in helping us make a decision on your claim.” This statement really isn’t a lie, but unfortunately the decision may be a claim denial just in time for month-end profit objectives. Understand, up-front, that claims representatives plan to “sell you” on the idea of meeting with a field representative. Don’t agree to it, just because you think you have to.

Always ask to be provided with a copy of the policy page giving the insurance company the authority to compel you to submit to a field interview. If the insurer can’t provide it, then the meeting isn’t required. Of course, you can voluntarily submit to the interrogation, but you must follow the rules given in the last article of this newsletter.



If the insurance company is demanding a field interview and you do not feel up to it, contact your physician and ask him/her to provide you with a medical note stating that due to your disability you are not mentally or physically able to withstand the rigors of a lengthy insurance interview. If you do participate in the visit and have pain, stress, or anxiety, do not be afraid to immediately terminate the interview.

Employer Interrogations

For employer sponsored group STD/LTD claims field representatives can also be sent to interview employers. Here is a list of employer-related directives generally approved by management for employer interviews with field representatives.

1. Secure ADA Job Description or Available Occupational Duties form.
2. Interview Immediate Supervisor or Business Owner.
3. What was the date of hire? When did the employee last work?
4. Has there been any extended absences in the past?
5. What was the employee’s performance like prior to disability?
6. Has the employee ever been reprimanded by supervisor for performance while on the job?
7. Secure a copy of employment application and any medical reports or physicals.
8. What were the employee’s occupational duties?
9. Where there recent changes in duties, responsibilities or supervisor?
10. Did the employee attempt to work with their condition? If so, was a decline in their work performance noted? By who?
11. Was a modified job made available to the employee? If so, is the employee aware of this opportunity? If the employee is aware of the modified job, have they shown any interest in returning to work?
12. Has the insured maintained contact with human resources or supervisor since last day worked? If so, was a return to work date discussed?

Notice the above questions do not ask whether or not the employer recommended disability, or observed the claimant’s inability to perform material and substantial duties. The objective of the employer interview is to obtain information supporting the claimant is able to return to work; or, the claimant applied for disability because of a work-related performance issue. Claims related to lay-offs, or company dissolutions are also thoroughly investigated.

Know The Drill, Prepare and Stay in Control
by Linda Nee

Field visits require preparation and should be managed by the insured. Here are the top ten suggestions you may want to consider, and ponder for future reference.

1. Immediately inform the insurance company you will be recording the interview. You are under no obligation to provide the field rep with a copy of the recording. He/she may record their own, but you will not be providing the insurer with a copy of the recording you made. If the claims handler refuses to allow you to record the interview, refuse to participate until you are allowed to record it. You are also entitled to have a witness present during the interview. Videotaping is not a good idea. If you want to know more about this, please send me an email.
2. Insist on being provided with a copy of your policy containing contract provisions requiring you to submit to a field interview. Challenge the insurer on this issue. If you are in a state like California, the disability insurer cannot use “discretionary authority” to force you into a field interview. Absent contract authority, you are under no obligation to submit to the interview.
3. Recognize the fact that the claims handler is giving you a sales pitch in order to get you to “buy into” giving the interview. Don’t agree to the interview unless you want to do it voluntarily, which we do not recommend.
4. Arrange for the interview in a neutral place outside of the home. Field reps obtain data for future surveillance. Some insureds actually meet field reps at McDonalds, however, an attorney or physician’s office, or any other neutral place will do just fine. Do not allow the field rep to take pictures of you, or your disability. (Hand splints, crutches, canes etc.)
5. If you are not feeling well contact your physician and ask for a note saying you are not physically or mentally able to withstand the rigors of an insurance interrogation. If at any time during the interview you experience pain, stress, fatigue or anxiety, it is your right to immediately terminate the interview. If you become tearful, the interview should be immediately terminated. Call 911 for more serious symptoms such as chest pain and difficulty breathing during the interview.
6. Answer all questions you are asked honestly and truthfully, but do not volunteer additional information about yourself, your lifestyle, hobbies, or your family activities. In so far as you are able answer questions with “yes”, or “no” responses. Avoid open-ended questions like, “What is a typical day for you?” Don’t fall into the trap of actually getting into a conversation with the field rep. Answer the questions you are asked, then stop....and be quiet. The goal is to get through the interview in about 20-45 minutes. This won’t happen as long as you keep talking. You certainly can ask, “What does this question have to do with my claim, or disability? Answer only what you are asked.....then be quiet. Shhhhh.....!
7. Don’t move around a lot during the interview. For example, don’t put a cane or walker near your chair, then get up and not use it. (This catches quite a few claimants believe it or not!) Also, avoid using common clichés such as, “I have brain fog”, or “I have good days and bad days.” Don’t use these types of descriptive phrases or make any attempt to justify your claim.
8. Watch your body language. Field reps are trained to identify baseline eye movements to detect deception. Field representatives are also skilled interrogators and private investigators experienced in soliciting information. They are NOT just like you even if they attempt to make those comparisons. Don’t befriend an insurance representative.
9. 45-60 minutes is the normal duration of a field interview. Do not allow the interview to go beyond an hour. The longer an interview goes beyond 60 minutes, the more likely you will begin to engage in dangerous conversation. Terminate the interview after an hour, if the meeting appears to be going longer.
10. Plan the field visit ahead of time. Insureds should have a folder of information with them to provide to the field rep in lieu of “talking.” For example, when asked for your medical history, reach into the folder and remove a bulleted chronology of your medical condition. If asked about medications, reach into the folder and provide a written list of medications. If asked about physicians, have a physician contact list already prepared. Idea? Talk less, not more, but appear cooperative and provide the information from your folder. Less is more.

Field investigators may be asked to conduct searches for data about you either online or in person at the same time a field interview is taking place. Here is a complete list of the “General Searches” usually done in the investigation of a disability insurance claim, if requested.

Death records	Offline Country & Federal Litigation
Phone number by name	Offline County & Fed-Felony & Misdemeanor
Phone number by address	Offline Federal Bankruptcy
Phone number by reverse search	Offline Federal & State Tax Liens
SSN search	Offline Canadian Criminal
Marriage/Divorce records	Offline Puerto Rico Criminal Records
Military service records	Education verification
Professional License	Employment history verification
DEA controlled substance	Worker’s Compensation state records
DMV records	Dun & Bradstreet BIR
Firearm/Explosive license	Media/News Articles
Pilot/Aircraft license	Consumer Credit Report
Boat/Vessel/Port records	Internet Web Page Search
National Comprehensive Search	Locator
Significant Shareholders	Auto Accident Report
UCC Searches	Fire Report - Building
Real property records	Fire Report - Car
Online civil records	DUI Report
Physician profiles	Autopsy/Coroner Report (AD&D claims, Life)
Business/Corporate Records Search	Homicide Report
Bankruptcy/Tax Lien/Judgments	Birth certificate
Profile/Faces + Basic	Arrest reports
Profile/Faces of the nation	Citation reports
Toxicology reports	Pharmacy Canvas with “Script Check”
Health club memberships	Airline travel records
Volunteer Memberships – Local	Golf club memberships
Child care agencies	Neighbors and former peers
FICA checks	State, town and local property records, tax records, land ownership
Boat docking locations, clubs	State unemployment, Medicaid records, food stamps

After all this, one has to consider whether an insured has any right to privacy at all. It is overwhelming isn’t it? Some of the above items require an Authorization to obtain (FICA records), others do not. It should be remembered that field visits are NOT for the insured’s benefit regardless of what the claims handlers say to get you to “buy-into” the process. Insurance field investigators are skilled interrogators who attempt to gain your trust and develop rapport with you so you will say and do things you normally wouldn’t say or do. The objective of any field visit is to “get a look at you” and your surroundings. It is a “risk management” tool used by disability insurers to obtain information from you which can be used at a later time to prove “inconsistency of report” and support an otherwise weak claim denial. Field investigators are not required to be truthful, and can lie to you to encourage rapport and conversation which can be used adversely against you.

In the interest of getting this information out to DCS readers, we’ve published a second newsletter for the month of April. If anyone has any questions, please feel free to contact DCS. We have additional information we can email to you if you request it.